

AUG 06 2004

OFFICIAL

**FACSIMILE TRANSMISSION  
TO THE U.S. PATENT AND TRADEMARK OFFICE****PLEASE DELIVER TO ATTN: Examiner M.A. Belyavskiy**

Concerning the following application:

ATTORNEY DOCKET NO.: 3284/1235

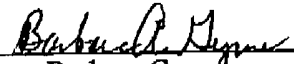
Application of:	Habener, et al	Examiner:	M.A. Belyavskiy
Serial No.:	09/963,875	Group Art Unit:	1644
Filed:	September 26, 2001		
Entitled:	Stem Cells of the Islets of Langerhans and Their Use in Treating Diabetes Mellitus	Conf. No.:	9674

Facsimile No.: 703 872 9306  
Our Facsimile No.: 1-617-227-4420  
Number of pages including cover sheet: 16  
Transmitted herewith: 16

**CERTIFICATION**

I hereby certify that the paper identified above is being facsimile transmitted to the U.S. Patent and Trademark Office, on the date indicated below.

Date: August 6, 2004

  
Name: Barbara Gyure  
Registration No.: 34,614  
Customer No.: 29933  
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111 Huntington Avenue  
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Tel: 617-239-0100

Atty. Docket No.: 3284/1235

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Habener, et al.  
Serial No.: 09/963,875  
Filed: September 26, 2001  
Titled: STEM CELLS OF THE ISLETS OF  
LANGERHANS AND THEIR USE IN  
TREATING DIABETES MELLITUS

Examiner: M.A. Belyavskiy

Group Art Unit: 1644

Conf. No.: 9674

**CERTIFICATE OF FACSIMILE TRANSMISSION****UNDER 37 C.F.R. § 1.6d**

I hereby certify that this correspondence and any paper referred to as being enclosed are being facsimile transmitted on the date indicated above to the Commissioner for Patents, Fax No. 703-872-9506

Melissa Powers

Name of Person Faxing

Signature of Person Faxing Paper

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

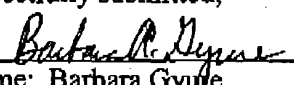
Enclosed for filing in the above-identified patent application, please find the following documents:

1. Response to Notice of Non-Compliant Amendment mailed July 7, 2004

The Commissioner for Patents is hereby authorized to charge any fees to Deposit Account No. 16-0085, Reference 3284/1235. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: August 6, 2004

  
Name: Barbara Gyule  
Registration No.: 34,614  
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Commissioner for Patents  
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Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

This Amendment is being filed in response to the Notice of Non-Compliant Amendment mailed from the U.S. Patent and Trademark Office on July 7, 2004 in the above-identified application.

**Listing of The Claims:**

1. (Cancelled) A method of treating a patient with diabetes mellitus, comprising the steps of:

- (a) isolating a nestin-positive pancreatic stem cell from a pancreatic islet of a donor; and
- (b) transferring the stem cell into the patient, wherein the stem cell differentiates into an insulin-producing cell.